

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: J. Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-00672

For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

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COVER LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

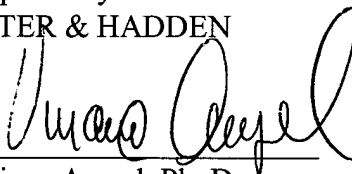
Sir/Madam:

Enclosed for filing are the following:

1. Substitute Application (77 sheets)
2. Amendment (29 sheets)
3. Fee Transmittal Form (1 sheet)
4. Substitute Declaration for Patent Application (2 sheets)
5. Copy of Claim for Priority previously filed 5/4/00 (1 sheet)
6. Change of Address (1 sheet)
7. Request for Corrected Filing Receipt (w/copy of Claim for Priority)
8. Post Card

Respectfully submitted.

ARTER & HADDEN



Viviana Amzel, Ph. D.

Reg. No. 30930

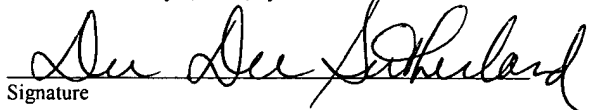
Attorney for Applicant(s)

February 6, 2001

Date

7 Clarke Drive
Cranbury, NJ 08512
609-409-3035 Legal Dpt Ph.
413-254-9245 Legal Dpt Fax
Vamzel@EpiGene.com

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, Express Mail Label EL836372442US, in an envelope addressed to the Assistant Commissioner for Patents, 1911 S. Clark St., Crystal Mall 1, Receptionist 7th Floor, Arlington, VA 22202, on February 6, 2001, by Dee Dee Sutherland.


Signature

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2001</h2> <p style="font-size: small; margin: 5px 0;">Patent fees are subject to annual revision.</p>		Complete if Known	
TOTAL AMOUNT OF PAYMENT		Application Number: 09/093,972 Filing Date: June 9, 1998 First Named Inventor: Jonathan W. Nyce Examiner Name: J. Epps Group Art Unit: 1635 Attorney Docket No.: EPI-00672	
(\$) 0.00			

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																																																																																																																							
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number: 50-1728</p> <p>Deposit Account Name: EpiGenesis Pharmaceuticals, Inc.</p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Fee Code</th> <th>Large Entity (\$)</th> <th>Small Entity (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="5">Other fee (specify) _____</td></tr> <tr> <td colspan="4" style="text-align: right;"> SUBTOTAL (3) </td> <td style="text-align: center;"> (\$) </td> </tr> </tbody> </table>	Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description	Fee Paid	105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month		116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____					SUBTOTAL (3)				(\$)
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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Viviana Amzel, Ph.D.	Registration No. (Attorney/Agent)	30,930
Signature		Telephone	(609) 409-3034
		Date	8/6/01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jonathan W. Nyce

Serial No.: 09/093,972 : Group Art Unit: 1635
Filed: June 9, 1998 : Examiner: Janet L. Epps
For: Composition, Formulations & Method for Prevention & Treatment of Diseases and
Conditions Associated With Bronchoconstriction, Allergy(ies) & Inflammation

Assistant Commissioner for Patents
Washington, D.C. 20231

REQUEST FOR CORRECTED FILING RECEIPT

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is:

- ☐ incorrectly entered and/or
☒ Omitted.

Error in

Correct data

- | | |
|---|--|
| a. <input type="checkbox"/> Applicant's name | a. |
| b. <input type="checkbox"/> Applicant's address | b. |
| c. <input type="checkbox"/> Title | c. |
| d. <input type="checkbox"/> Filing Date | d. |
| e. <input type="checkbox"/> Serial Number | e. |
| f. <input type="checkbox"/> Foreign/PCT Application re: | f. |
| g. <input checked="" type="checkbox"/> Correspondence Address | g. Viviana Amzel, Ph.D.
EpiGenesis Pharmaceuticals, Inc.
7 Clarke Drive
Cranbury, NJ 08520 |
| h. <input checked="" type="checkbox"/> Other: Continuing Data | h. This application is a CIP of US Patent Application Serial No. 08/472,527, CPA filed February 27, 1998, now US Patent No. 6,040,296; a CIP of US Patent Application No. 08/757,024, filed November 26, 1996 by Jonathan W. Nyce, now US Patent No. 6,025,339, which is a continuation-in-part of U.S. Patent Application Serial No. 08/472,527, filed June 7, 1997; and a CIP of US Patent Application Nos. 08/474,497 filed June 7, 1995, now US Patent No. 5,994,315, and 09/016,464, filed January 30, 1998, by Jonathan W. Nyce and W. James Metzger, CPA filed June 3, 1998, now pending. |
- See attached copy of Claim for Priority Under 35 USC 120, previously filed in this application on 5/4/00.*

3. **(complete the following applicable item)**

A. ☒ The correction(s) is/are not due to any error by applicant and no fee is due.

OR

B. ☐ At least one of the above corrections is due to applicant's error and the fee therefor, under 37 CFR 1.19(h), of \$25.00 is paid as follows:

- ☐ Enclosed is a check for \$25.00.
☐ Charge Account _____ \$25.00.



SIGNATURE OF ATTORNEY

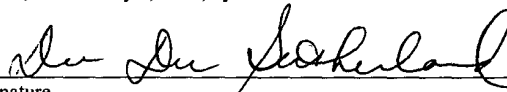
Registration No.: 30,930

Viviana Amzel, Ph.D.

(type or print name of attorney)

7 Clarke Drive
Cranbury, NJ 08512
609-409-3035 Legal Dpt Ph.
413-254-9245 Legal Dpt Fax
Vamzel@EpiGene.com

I hereby certify that this correspondence is being deposited with the United States Postal Service, Express Mail Post Office to Addressee, Express Mail Label EL836372442US, in an envelope addressed to the Assistant Commissioner for Patents, 1911 S. Clark St., Crystal Mall 1, Receptionist 7th Floor, Arlington, VA 22202, on February 6, 2001, by Dee Dee Sutherland.



Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan W. Nyce : Art Unit: 1635
Serial No.: 09/093,972 : Examiner: Janet Epps
Filed: June 9, 1998 : Appl. Ref. No.: EPI-072
For: **COMPOSITION, FORMULATIONS & METHOD FOR PREVENTION &
TREATMENT OF DISEASES AND CONDITIONS ASSOCIATED WITH
BRONCHOCONSTRICTION, ALLERGY(IES) & INFLAMMATION**

CLAIM FOR PRIORITY UNDER 35 USC '120

Assistant Secretary for Patents
Washington DC 20231

Sir/Madam:

The applicant hereby claims priority for the above-identified U.S. Patent Application of the filing dates of the following U.S. Patent Applications under 35 USC 120:

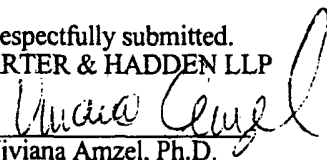
- 1- U.S.S.N. 08/472,527, filed June 7, 1995, CPA filed February 27, 1998, now U.S. Patent No. 6,040,296.
- 2- U.S.S.N. 08/757,024, filed November 26, 1996, by Jonathan W. Nyce, now U.S. Patent No. 6,025,339, which is a continuation-in-part of U.S.S.N. 08/472,527, filed June 7, 1995.
- 3- U.S.S.N. 08/474,497, filed June 7, 1995, by Jonathan W. Nyce and W. James Metzger, now U.S. Patent No. 5, 994,315.
- 4- USSN 09/016,464, filed January 30, 1998, which is a divisional of USSN 08/474,497, by Jonathan W. Nyce and W. James Metzger, filed June 3, 1998, now pending.

The text of the above-identified application is being amended to contain this information.

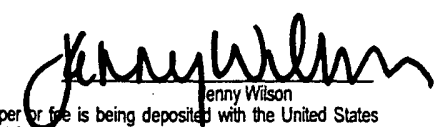
5/4/00
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Jenny Wilson
I hereby certify that this paper or fee is being deposited with the United States Postal Service "First Class Mail" on the date indicated above and is addressed to the Commission of Patents and Trademarks, Washington D.C. 20231.